



## Office of the Attorney General

State of Texas

February 27, 1992

DAN MORALES  
ATTORNEY GENERAL

Ms. Lynn Nunns  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR92-83

Dear Ms. Nunns:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14640.

Your office has received a request for various documents concerning two arrests that occurred on October 26, 1991. You advise that complaints have been filed against the arresting officers and that an internal affairs investigation of those complaints has not been completed. In his letter requesting the documents at issue here, the attorney for the complainants states that he is representing the complainants and that their concerns "will most probably be the subject of litigation unless it is otherwise resolved since it involves the conduct and actions of certain members of the Corpus Christi Police Department as related to" the arrests.

You have submitted to us copies of documents in the city's possession that are responsive to the request. You advise that you have released the front pages of the two offense reports prepared as a result of the arrests on October 26, 1991. You assert that the remaining documents submitted to us may be withheld pursuant to section 3(a)(3) of the Open Records Act.

Section 3(a)(3) excepts

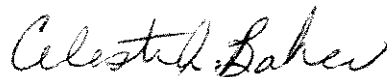
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence

of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies to information relevant to pending litigation or to litigation that is reasonably anticipated. *See* Open Records Decision No. 551 (1990); *see also* Open Records Decision No. 597 (1991) (front page of offense report not excepted under section(3)(a)(3)). We agree that litigation is reasonably anticipated given the circumstances described above and that the documents submitted to us relate to such litigation. Thus, you may withhold from public disclosure the documents at issue here. *But see* Open Records Decision No. 551 at 4 (discussing duration of the exception).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-83.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 14640, 14663, 14675, 14951

Enclosure: Open Records Decision Nos. 551, 597

cc: Mr. Cage Wavell  
Attorney at Law  
1731 Third Street  
Corpus Christi, Texas 78404